

**Minutes of the
Virginia Soil and Water Conservation Board
September 20, 2001
Virginia State University
Petersburg, Virginia**

Virginia Soil and Water Conservation Board Members Present

Charles E. Horn, Chairman	Dr. Conrad M. Gilliam
A. Dewey Bond	W. P. Johnson
David G. Brickley	Lorenza W. Lyons
Herbert L. Dunford	I. Willis Miller (for M. Denise Doetzer)
James Gardner (for David Barrett)	David L. Moyer

Virginia Soil and Water Conservation Board Members Not Present

Robert Q. Cannel	Robert M. Hall
J. Carlton Courter, III	

Staff Present

Leon E. App	Mark B. Meador
Linda J. Cox	Jonathan T. Phillippe
Jack E. Frye	Ken Turner
Lawrence J. Gavin	Stuart D. Wilson

Others Present:

Chad Crawford, Fairfax County DPWES
Jay Gilliam, VASWCD
Scott R. St.Clair, Fairfax County
Elizabeth D. Teare, Fairfax County Attorney's Office

Call to Order

Chairman Horn called the meeting to order and declared a quorum present.

Minutes of the June 14, 2001 Meeting

MOTION: Mr. Dunford made a motion that the minutes of the June 14, 2001 meeting be approved as submitted.

SECOND: Mr. Johnson

DISCUSSION: None

APPROVED: Unanimously

Lake Martin Update

Chairman Horn requested Mr. Wilson give an update on the Lake Martin issue.

Mr. Wilson indicated that there are two ongoing actions against the developer relative to Lake Martin, one by the county and one by EPA. The County had filed a lawsuit which had expected to go to trial in August. The county has decided to delay the court case against Airston which was scheduled initially for August 20 to better develop their case. A copy of the County's letter was provided to the Board. EPA has filed an administrative order against Airston, the primary developer of Governor's Run, to submit dredging plans and other corrective action for the affected area. In June EPA sent a letter to the attorney for the developer extending the developer's deadline for the dredging plan to November 26. Actions by the county and EPA are characterized as moving slowly towards an ultimate legal resolution. EPA filed an Administrative Order in April against the developer.

Ms. Beth Teare, Fairfax County Attorneys office reported that the county has up to six months to refile the court case that was delayed and intends to refile when ready to proceed. They are continuing to work on the case and are considering conducting a new survey of the lake to re-assess the damages. Consensus on corrective actions needed has not been reached with the homeowners although work is continuing in this area. The County thought they had an agreement with the people in the upstream areas for proceeding with the stream remediation, however, there was a change of opinion from some of the landowners. In order to address the stream remediation, the County asked for help from the Northern Virginia Soil and Water Conservation District and the Virginia Department of Forestry.

The County has received bids on the upstream pond retrofits. They have had several conversations and an on-site meeting with the Homeowners Association to move forward. These meetings and conversations have been very positive.

Dredging plans for Lake Martin have been slowed because of lack of acceptance from property owners. There has been some additional work done from County staff and the County has been asked to explore and survey further down by the lake. The homeowners want a larger area of the lake dredged than the County has proposed. What the County thought was an acceptable dredging and long-term maintenance plan has become unacceptable to the citizens. Until that issue is resolved the County will not have easement rights to perform lake dredging.

Mr. Brickley asked if the dredging costs are estimated to be approximately \$343,000. Mr. St. Clair from Fairfax County said that they would not know what the final costs are until a final agreement with a dredging plan is accepted by the homeowners. Mr. Brickley

asked if the Board of Supervisors had developed a funding plan should the cost exceed that which would come from Airston or any of the other defendants. Mr. St. Clair said that the Board had not developed a funding plan but had discussed some options.

Mr. Horn asked how soon they thought they would have a finalized plan that everyone can agree upon. Mr. St. Clair could not provide a specific timeframe but indicated that the County is working to resolve it as quickly as possible and also working with EPA on joint resolution of the issue between the three parties.

MOTION: Mr. Bond moved “That the Virginia Soil and Water Conservation Board receive the progress report from Fairfax County outlining current and proposed actions to bring resolution to the Lake Martin watershed erosion and sediment control problems under the enforcement authority of the Fairfax County Erosion and Sediment Control Program. The Board notes the efforts by Fairfax County to bring resolution to this issue and requests the County to continue its efforts to expedite resolution to facilitate remediation of the Lake Martin watershed.

The VS&WCB directs Fairfax County to continue to provide updates to the Board relative to the progress in completing the final design and construction specification documents, the proposed plans and schedule for commencement of restoration actions and the actual progress in restoration. The County should insure that affected homeowners are provided input into the process of determining the final remediation plans. These updates shall continue until restoration actions have been completed.”

SECOND: Mr. Moyer

DISCUSSION: None

APPROVED: Unanimously

Urban Program Review Status Report

Mr. Gavan reported on the status of the Local Urban Program Review Progress. Eleven program reviews have been completed and 9 additional reviews are underway or scheduled for the next six months. Work is continuing with Greensville and Caroline Counties on necessary corrective action plans to improve their programs. A schedule of program reviews for next year will be distributed at the December Board meeting.

Dam Safety Certificates and Permits

Mr. Phillippe presented the following list of Dam Safety Certificates and Permits:

INV. NO.	NAME	CITY/COUNTY
<u>Dam Safety Alteration Permit</u>		
None		
<u>Dam Safety Construction Permit</u>		
14105	Cochram Mill Dam	Patrick
<u>Dam Safety Operation & Maintenance Certificates</u>		
<u>Class I Regular</u>		
04703	Mountain Run Dam #50	Culpeper
06109	Kinloch Farms Dam	Fauquier
08913	Smith River Dam	Henry
16701	Laurel Bed Dam	Russell
19701	Rural Retreat Dam	Wythe
<u>Class I Conditional</u>		
13701	Lake of the Woods Dam	Orange
13708	Keaton's Run Dam	Orange
<u>Class II Regular</u>		
04702	Mountain Run Dam #11	Culpeper
06101	Warrenton Dam	Fauquier
02102	Crab Orchard Creek Dam	Bland
<u>Class II Conditional</u>		
17905	Embrey Dam	Stafford
18703	Spring Lake Dam	Warren
<u>Class III Regular</u>		
04142	Lake Patrick Henry Dam	Chesterfield
11310	Hablutzel Dam	Madison
14113	Ararat River Dam #63	Patrick
14114	Ararat River Dam #2	Patrick
16901	Bark Camp Dam	Scott
<u>Class III Conditional</u>		
18701	Lake of the Clouds	Warren

Extension to December 2001 Board Meeting

00369	(3R)	Hunt Country Dam	Albemarle
00370	(3R)	Murray Lake Dam	Albemarle
01507*	(1R)	Upper North River Dam # 77	Augusta
01512*	(1R)	South River Dam #11	Augusta
01929	(3R)	Abert Water Plant Dam	Bedford
04104*	(2R)	Swift Creek Dam	Chesterfield
04129	(1C)	Woodland Pond	Chesterfield
06702*	(1C)	Upper Blackwater River Dam #4	Franklin
06701*	(2R)	Upper Blackwater River Dam #6	Franklin
06914	(1C)	Summit Dam	Frederick
09903	(3C)	Lake Jefferson Dam	King George
10904*	(3R)	South Anna Dam #5	Louisa
10931*	(3R)	South Anna Dam #3	Louisa

Extension to January 2002 Board Meeting

00911	(1R)	Buffalo River Dam # 3	Amherst
00912	(1R)	Buffalo River Dam # 2	Amherst
08518	(3R)	Forest Lake Hills Dam	Hanover
09519	(2R)	Rennicks Pond	James City
11302*	(3R)	Beautiful Run Dam #2A	Madison
11303*	(3R)	Beautiful Run Dam #4	Madison
11305*	(3R)	Beautiful Run Dam #6	Madison
11306*	(3R)	Beautiful Run Dam #7	Madison
11307*	(3R)	Beautiful Run Dam #10	Madison
14111	(2C)	Davis Dam	Patrick
14739*	(3R)	Bush River Dam #5	Prince Edward
16304	(1C)	Moore's Creek Dam	Rockbridge
17104*	(1R)	Woodstock Dam	Shenandoah

Out of Compliance

01931	(4F)	Simpkins Dam	Bedford
06515	(3C)	Andersons Dam	Fluvanna

MOTION: A motion was made by Mr. Dunford that the Dam Safety certificates and permits be approved.

SECOND: Dr. Gilliam

APPROVED: Unanimously.

Impoundment Safety Technical Advisory Committee Report

Dr. Gilliam, Chairman of the Impoundment Safety Technical Advisory Committee reported that as a corollary issue because of changes to the Dam Safety Act, it was recommended that changes be made to the Dam Safety Regulations to bring them into conformance with the changes that have been made to the Dam Safety Act. Many of the current regulations are not in compliance with the Code of Virginia.

MOTION: Mr. Bond made a motion “That the Board authorize the Director of the Department of Conservation and Recreation and the Departmental Regulatory Coordinator to prepare those changes necessary to bring the Virginia Impoundment Regulations including the attendant forms into conformance with changes made to the Code of Virginia and other organizational changes since the last regulatory amendment. This authorization is for those changes subject only to the Virginia Register Act. This authorization extends to the coordination necessary to gain approvals from the Department of Planning and Budget, the Secretary of Natural Resources, the Governor’s Policy Office, the Attorney General, and the Virginia Registrar of Regulations.

The regulatory process will require the development of two separate actions as follows:

1. Preparation of those required changes to achieve conformance with the Code of Virginia through the 2000 Virginia Acts of Assembly. Upon final Board adoption, this action will be developed for publication in the Virginia Register of Regulations as soon as possible, and for an effective date 30 days following publication.
2. Preparation of those required changes to achieve conformance with the Code of Virginia made through Chapter 92 of the 2001 Virginia Acts of Assembly. Upon final Board adoption, this action will be prepared for publication in the Virginia Register of Regulations in order to be effective on and after July 1, 2002 in accordance with Chapter 92.”

The Board requests that the Director and the Regulatory Coordinator report to the Board on these actions at the December Board meeting. At that time, the Board desires to have a set of proposed actions available for final regulatory action.

SECOND: Mr. Dunford

APPROVED: Unanimously

Impoundment Safety Technical Advisory Committee Report

MOTION: Dr. Gilliam moved that the Board approve the recommendation of Sam Coleman to replace Barbara Lane, who recently resigned, on the Impoundment Safety Technical Advisory Committee.

SECOND: Mr. Dunford

APPROVED: Unanimously

SWCD Director Resignations and Appointments Beginning January 1, 2002

Mr. Meador presented the following resignations and appointments:

Recommendation of Norman C. Schwartz, Culpeper District, Greene County, to fill the unexpired elected term of Clifford Braun (term of office to begin on or before 10/20/01 – 1/1/03) (previously disqualified due to failure to file oath of office)

Resignation of Robert J. Crouch, Lord Fairfax District, Warren County, elected director position (term of office expires 1/1/02)

Recommendation of Lyle Schertz, Lord Fairfax District, Warren County, to fill unexpired elected term of Robert J. Crouch (term of office to begin on or before 10/20/01 - 1/1/02).

Recommendation of Robert Harper, Monacan District, Virginia Cooperative Extension (VCE) agent, to fill the unexpired appointed term of Forrest Hobbs, former VCE agent (no longer employed by VCE) (term of office to begin on or before 10/20/01 – 1/1/02).

Resignation of Alan P. Cohen, Tidewater District, Middlesex County, effective 5/23/01, elected director position (term of office expires 1/1/03)

MOTION: Dr. Gilliam moved that “The Virginia Soil and Water Conservation Board (Board) approves the resignation and appointment actions as presented by DCR staff and directs staff to communicate the Board actions to the affected SWCDs.”

SECOND: Mr. Dunford

APPROVED: Unanimously

SWCD Director Appointments Recommended for a Three-Year Term

<u>SWCD</u>	<u>RECOMMENDED</u>
Big Walker	
Blue Ridge	G. Dan Pace Henry
Clinch Valley	Paul J. Chambers* Russell
Culpeper	John H. Boldridge Culpeper
Daniel Boone	Harold L. Jerrell* Lee
Eastern Shore	Richard F. Hall, III Accomack
Evergreen	Preston Richardson Smyth
Halifax	Larry L. McPeters* Halifax
Hanover-Caroline	Park A. Dodd, Jr. Caroline
Headwaters	Thomas A. Stanley* Augusta
Henricopolis	Gatewood H. Stoneman Henrico
Holston River	
J. R. Horsley	Walter W. Robinson, Jr. Greensville
James River	Richard Nunnally* Chesterfield

John Marshall	Mary Lou Trimble Fauquier
Lake Country	
Monacan	Robert Harper* Goochland
Mountain Castles	Roy J. Kiser* Craig
Natural Bridge	Jonathan Repair* Rockbridge
New River	James M. Osborne* Grayson
Northern Neck	Ginny Barnes* Lancaster
Northern Virginia	Jean R. Packard Fairfax
Patrick	Gene Amos* Patrick
Peanut	Rex Cotton* Suffolk
Peter Francisco	James Myers* Buckingham
Piedmont	Charles E. Dodson Amelia
Pittsylvania	Stephen J. Britt* Pittsylvania
Robert E. Lee	William W. Seay* Amherst
Shenandoah Valley	Eric Scott Bendfeldt* Rockingham

Skyline	Edward B. Hale Montgomery
Southside	Bruce Thompson Lunenburg
Tazewell	Joyce G. Buchanan Tazewell
Thomas Jefferson	Patrick A. Hanley Louisa
Tidewater	Harrison A. Dixon Gloucester
Virginia Dare	Melvin Atkinson City of Virginia Beach

**Extension Agent Directors*

MOTION: Mr. Johnson made a motion "That the Virginia Soil and Water Conservation Board approve the three year appointments as presented by DCR staff and directs staff to communicate Board actions to the affected SWCDs."

SECOND: Mr. Dunford

APPROVED: Unanimously

Mr. Meador noted that Edwin Gulick was retiring as a director from the John Marshall District after 38 years. Mr. Gulick also served two terms on the Virginia Soil and Water Conservation Board.

DCR Assessment of Soil and Water Conservation District Compliance with DCR/SWCD FY 2000-20001 Grant Agreement Deliverables

Mr. Meador presented a draft Summary of SWCD Compliance with the FY 00-01 Scope of Services for DCR Operating Funds.

MOTION: Mr. Moyer moved "That the Virginia Soil and Water Conservation Board accept the statewide summary of the SWCD compliance with FY 2000-01 grant agreement deliverables and directed the Department of Conservation and Recreation staff to prepare and issue the summary through transmittal correspondence from the Board chair to all SWCDs."

SECOND: Mr. Dunford

APPROVED: Unanimously.

Agency Reports

Natural Resources Conservation Service

Report attached as Attachment #1

Virginia Department of Forestry

No Report

Virginia Cooperative Extension Service

Mr. Gardner reported that the Virginia Farm and Family Showcase was held at the Virginia Tech campus during the first week of September and was attended by more than 12,000 people. It is anticipated that the annual agricultural banquet will be held next year as a part of the festivities of the Farm and Family Showcase.

Severe rains during late June and early July caused agricultural damages estimated at \$1.25 in the Commonwealth.

Virginia Department of Agriculture and Consumer Services

No Report

Department of Conservation and Recreation

Mr. Brickley reported that he had been appointed to participate on the Governor's Shark Task Force which would meet at Virginia Beach on September 21. The task force was formed by Governor Gilmore in response to recent shark attacks along the Virginia and North Carolina coast. The task force is charged with formulating recommendations for increasing the safety of citizens using coastal beaches.

September 16-19, 2001, the Mid-Atlantic Governors' Conference on Greenways, Blueways, and Green Infrastructure was held at the Crystal Gateway Marriott. This major conservation and recreation conference was hosted by Virginia, Maryland, and Pennsylvania and co-sponsored by the states of New Jersey, New York, Delaware, West Virginia, North Carolina and South Carolina and several federal agencies.

Mr. Frye introduced Ken Turner to the Board. Mr. Turner recently was hired to fill the vacant DCR District Dam Engineer position and will be working with districts in maintaining the safety of district-owned dams.

Mr. Frye reported on the following items:

DCR/SWCD Grant Agreements for FY 01-02 Operating and Cost-Share Funds: The newly formed Big Sandy SWCD became official on August 1, 2001. DCR has signed a grant agreement and the district has received the first quarterly installment.

CREP – Conservation Reserve Enhancement Program: Progress continues as partner agencies work to achieve program goals for this important incentive program. Effective August 24, Virginia made a change in the formula used to provide enhanced cost-share. It was changed from a 25% BMP incentive to a maximum of \$200 per buffer or wetland acre incentive. This will primarily impact small acreage contracts that are installing the more expensive well and pump livestock watering systems. This program is still a very attractive program to the farm community given the federal funding, signing and practice incentives and in the Chesapeake Bay the possible additional 25% from the Chesapeake Bay Foundation and Ducks Unlimited.

CREP promotion efforts are continuing and DCR is focusing on eligible areas where sign-up has been relatively low. DCR will continue to work with the partnership to achieve the needed acreage.

Building SWCD Capabilities: Conservation Selling Skills class will be held November 1-2 for up to 30 participants. On November 14 there will be a Coaching Skills class. Employees from across the partnership will be attending.

Partnership Training on Chesapeake Bay 2000 Agreement Commitments: DCR has worked with the partnership to set up four training sessions. These sessions will be held October 30 in Williamsburg; November 9 in Appomattox; November 13 in Harrisonburg; and, November 26 in Fredericksburg. The agreement covers a wide variety of topics from living resource protection to community engagement and relies more than ever on local government and citizen involvement.

The Eighth Annual Watershed Management Conference will be held in Virginia Beach September 26-28, 2001. This conference is a collaborative endeavor of Virginia's conservation agencies to address watershed management issues in the Commonwealth. Approximately 400 participants are expected to attend the important conference.

Public Comment

Jay Gilliam spoke on behalf of the Virginia Association of Soil and Water Conservation Districts, and reported to the Board that the Association appreciates being kept up to date

regarding the creation of the new district within the James River SWCD, indicating that they feel this would have statewide implications.

Additionally, the Association feels there is a great deal of potential in the newly established Office of Environmental Education within the Virginia Department of and the Association encourages a broad based partnership and cooperation in working with this newly established office.

Other Business

On behalf of the Board, Chairman Horn thanked Dr. Lyons for the hospitality of the staff at Virginia State University. Mr. Brickley extended his gratitude and praise to Dr. Lyons for his role in expanding and attracting diverse students in the natural resources arena.

Next Meeting:

The next meeting of the Virginia Soil and Water Conservation Board will be a Joint meeting with the Virginia Association of Soil and Water Conservation Districts at the Norfolk Waterside Sheraton on December 12, 2001 at 9:00 a.m.

Adjourn

There being no further business, the meeting was adjourned. Following the meeting, Board members were served lunch and heard presentations from staff at Virginia State University regarding the University's greenhouse work and Randolph Farms.

Respectfully submitted,

Charles E. Horn
Chairman

David G. Brickley
Secretary